

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 03-40266 CBS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff

v.

TOWN OF NORTH BROOKFIELD,

Defendant

AFFIDAVIT OF JAMES MURRAY

I, James Murray, on oath, depose and state the following:

1. I am the co-chairman of the North Brookfield School Building Committee and have served in this capacity since the formation of the Committee in 2000.
2. The Town was not provided with copies of and did not review any bids submitted on or about September 8, 2003 in response to the Request for Proposals (“RFP”) solicited by American Manufacturers Mutual Insurance Company (“AMMIC”) and/or its consultant, Richard P. Anastasio, for a completion contractor for the North Brookfield Junior/Senior High School Project (“Project”).
3. Neither AMMIC nor Mr. Anastasio provided to the Town copies of any bids submitted on or about October 17, 2003 in response to a “best and final” solicitation by AMMIC and/or Mr. Anastasio, and the Town did not review any of those bids in connection with the selection of a completion contractor.

4. The RFP indicated that the dates for substantial completion were April 30, 2003 for the building and August 1, 2004 for the completion of abatement work, demolition and removal of the existing building, total project completion and demobilization.
5. I am not aware that the date for substantial completion was changed in the “best and final” solicitation. Neither the Town nor, upon information and belief, the project architect, Dore & Whittier, were consulted regarding any proposed changes to the dates for substantial completion prior to the solicitation of “best and final” bids by AMMIC and/or Mr. Anastasio.
6. Neither AMMIC nor Mr. Anastasio consulted with anyone from the Town regarding obtaining the Town’s assent to substantial completion dates that differed from those set forth in the RFP.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23rd DAY
OF JANUARY, 2006.

/s/ James Murray
James Murray

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